

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: **CALDWELL ET AL.** ) CONF. NO.: 7174  
Serial No: **09/973,411** ) Docket No.: T103 1300.4  
Filed: **October 9, 2001** ) Examiner: **V. Balasubramanian**  
For: **COMPOUNDS CAPABLE OF ACTIVATING CHOLINERGIC RECEPTORS**

**PETITION UNDER 37 C.F.R. 1.313 (C)  
FOR WITHDRAWAL FROM ISSUE**

MS: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application was allowed in a Notice of Allowance mailed on February 25, 2004. The issue fee was paid on May 25, 2004, but the application has yet to issue. Applicants now petition that the application be withdrawn from issue, in favor of a continuation application under 37 C.F.R. 1.53 (h) filed yesterday, as Attorney Docket Number T103 1300.6, under separate cover.

The Commissioner is hereby authorized to charge the petition fee under 37 C.F.R. §1.17(h) of \$130, and any other fee which may be required, to Deposit Account No. 09-0528.

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Appl. Serial No: 09/973,411

The Office of Petitions is respectfully urged to promptly grant this petition. Should the Office of Petitions have any questions, it is invited to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



David S. Bradin  
Registration No. 37,783  
Attorney for Applicant

Date: February 2, 2005

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Docket No.: T103 1300.4

Atty. Dkt. No. T103 1300.4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Confirmation No. 7174  
Caldwell et al. )  
Serial No: 09/973,411 ) Art Unit: 1624  
Filed: October 9, 2001 ) Examiner: V. Balasubramanian  
For: **COMPOUNDS CAPABLE OF ACTIVATING CHOLINERGIC RECEPTORS**

**CERTIFICATE OF FACSIMILE TRANSMISSION****VIA FACSIMILE: 1.571.273.0025**

MS: Office of Petitions  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Petition Fee Under 37 C.F.R. 1.17(h) §1.313 Transmittal	=	1 page
Petition Under 37 C.F.R. 1.313 (c) for Withdrawal From Issue	=	2 page
This page	=	1 page
Cover page	=	1 page
TOTAL PAGES:		= 5 pages

\$130.00 Surcharge Fee -- To be charged to Deposit Account No. 09-0528

Date: February 2, 2005

Donnie S. Dietrich  
(Printed Name of Person Faxing Corresp.)  
#91639 v1 - T103 1300.4 Certificate of Facsimile  
RTP 94639v1

  
(Signature of Person Faxing Corresp.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/973,411
Filing Date	October 9, 2001
First Named Inventor	Caldwell et al.
Art Unit	1624
Examiner Name	V. Balasubramanian
Attorney Docket Number	T103 1300.4

Enclosed is a petition filed under 37 CFR 1.313(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ \_\_\_\_\_ is enclosed.  
This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 09-0528:  
 petition fee under 37 CFR 1.17(f), (g) or (h)     any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

§ 1.53(e) - to accord a filing date.  
§ 1.57(a) - to accord a filing date.  
§ 1.102 - for decision on a question not specifically provided for.  
§ 1.183 - to suspend the rules.  
§ 1.370(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

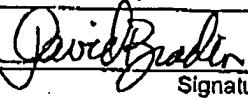
For petitions filed under:

§ 1.12 - for access to an assignment record.  
§ 1.14 - for access to an application.  
§ 1.47 - for filing by other than all the inventors or a person not the inventor.  
§ 1.59 - for expungement of information.  
§ 1.103(a) - to suspend action in an application.  
§ 1.130(b) - for review of a request for extension of time when the provisions of section 1.130(a) are not available.  
§ 1.295 - for review of refusal to publish a statutory invention registration.  
§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
§ 1.560(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.  
§ 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.  
§ 5.12 - for expedited handling of a foreign filing license.  
§ 5.15 - for changing the scope of a license.  
§ 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.  
§ 1.84 - for accepting color drawings or photographs.  
§ 1.91 - for entry of a model or exhibit.  
§ 1.102(d) - to make an application special.  
§ 1.138(c) - to expressly abandon an application to avoid publication.  
§ 1.313 - to withdraw an application from issue.  
§ 1.314 - to defer issuance of a patent.

  
Signature

David S. Bradin

Typed or printed name

February 2, 2005

Date

37,383

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.